

SEP 06 2007

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FAX COVER PAGE

DATE: September 6, 2007

PAGES INCLUDING THIS PAGE: 16

TO: Examiner Alvin J. Stewart (Group Art Unit 3732)
COMPANY: United States Patent & Trademark Office

FAX NUMBER: 571-273-8300
PHONE NUMBER:

FROM: Brad A. Schepers, Reg. No. 45,431

DIRECT DIAL: (317) 238-6334
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RE: Response to final Office Action for U.S. Patent Application No. 10/763,719 to Zdeblick et al.

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

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SEP 06 2007

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031

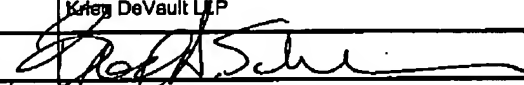
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| | | | |
|--|----------------------|------------------------|-------------------|
| TRANSMITTAL FORM | Application Number | 10/783,719 | |
| | Filing Date | January 23, 2004 | |
| | First Named Inventor | Thomas Zdeblick et al. | |
| | Art Unit | 3732 | |
| | Examiner Name | Alvin J. Stewart | |
| (to be used for all correspondence after initial filing) | | Attorney Docket Number | MSDI-200/PC261.21 |
| Total Number of Pages in This Submission | | 15 | |


| ENCLOSURES (Check all that apply) | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <div style="border: 1px solid black; padding: 2px;">Remarks</div> | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | Krieg DeVault LLP | | |
| Signature |  | | |
| Printed name | Brad A. Schepers | | |
| Date | September 6, 2007 | Reg. No. | 45,431 |

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| Signature |  | | |
| Typed or printed name | Brad A. Schepers | Date | September 6, 2007 |

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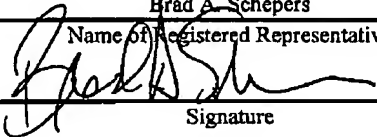
| | | |
|------------------------------|---|-----------------------------|
| In re patent application of: |) | Before the Examiner |
| Thomas Zdeblick et al. |) | Alvin J. Stewart |
| |) | |
| Serial No. 10/763,719 |) | Group Art Unit 3732 |
| |) | |
| Filed January 23, 2004 |) | Ref. No. MSDI-200/ PC261.21 |
| |) | |
| METHODS AND INSTRUMENTS |) | September 6, 2007 |
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Via Facsimile Transmission: 571-273-8300**RESPONSE TO FINAL OFFICE ACTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated July 23, 2007, please enter and consider the following amendments and remarks. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

| | |
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INTRODUCTORY COMMENTS

Claims 15-23, 39-52, 54, 55, 65, 67 and 71 were pending in the subject application for the final Office Action dated July 23, 2007. Claims 15-23, 41-43, 52, 65 and 67 have been allowed. Claims 54 and 55 have been objected to, but have been indicated as allowable if rewritten in independent form. The remaining claims 40, 44-51 and 71 currently stand rejected. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.

Response to final Office Action
Application Serial No. 10/763,719
Inventors: Zdeblick et al.
Filing Date: January 23, 2004

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